

House Bill 1293

By: Representatives Butler of the 18th, Rynders of the 152nd, Houston of the 170th, Lunsford of the 110th, Manning of the 32nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
2 correctional institutions of state and counties, so as to provide for state reimbursement for
3 psychotropic medications for state inmates housed by counties beginning on the date of
4 sentencing; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to correctional
8 institutions of state and counties, is amended by revising subsection (a) of Code Section
9 42-5-2, relating to responsibilities of governmental units with custody of inmates generally,
10 as follows:

11 "(a) Except as provided in subsection (b) of this Code section, it shall be the responsibility
12 of the governmental unit, subdivision, or agency having the physical custody of an inmate
13 to maintain the inmate, furnishing him food, clothing, and any needed medical and hospital
14 attention; to defend any habeas corpus or other proceedings instituted by or on behalf of
15 the inmate; and to bear all expenses relative to any escape and recapture, including the
16 expenses of extradition. Except as provided in subsection (b) of this Code section, it shall
17 be the responsibility of the department to bear the costs of any reasonable and necessary
18 emergency medical and hospital care which is provided to any inmate after the receipt by
19 the department of the notice provided by subsection (a) of Code Section 42-5-50 who is in
20 the physical custody of any other political subdivision or governmental agency of this state,
21 except a county correctional institution, if the inmate is available and eligible for the
22 transfer of his custody to the department pursuant to Code Section 42-5-50. Except as
23 provided in subsection (b) of this Code section, the department shall also bear the costs of
24 any reasonable and necessary follow-up medical or hospital care rendered to any such
25 inmate as a result of the initial emergency care and treatment of the inmate. With respect
26 to state inmates housed in county correctional institutions, the department shall bear the

27 costs of direct medical services required for emergency medical conditions posing an
28 immediate threat to life or limb if the inmate cannot be placed in a state institution for the
29 receipt of this care. In addition, the department shall bear the costs of any psychotropic
30 medications needed by state inmates housed in county correctional institutions from the
31 date of sentencing. The responsibility for payment will commence when the costs for
32 direct medical services exceed an amount specified by rules and regulations of the Board
33 of Corrections. The department will pay only the balance in excess of the specified
34 amount. Except as provided in subsection (b) of this Code section, it shall remain the
35 responsibility of the governmental unit having the physical custody of an inmate to bear
36 the costs of such medical and hospital care, if the custody of the inmate has been
37 transferred from the department pursuant to any order of any court within this state. The
38 department shall have the authority to promulgate rules and regulations relative to payment
39 of such medical and hospital costs by the department."

40 **SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.